

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 5, 2005. Claims 1-20 are preliminarily rejected under 35 USC 102(b) as being anticipated by US 5,627,520 to Grubbs, *et al.* (hereinafter referred as "Grubbs"). Claims 21-24 are preliminarily rejected under 35 USC 103(a) as being unpatentable over US 6,853,304 to Reisman, *et al.* (hereinafter referred as "Reisman") in view of US 5,737,325 to Fukuda. The Applicants traverse the rejections to claims 1-18 and 20-24. Claims 9, 16 and 21 have been amended. Claim 19 has been cancelled. Reconsideration and allowance of the subject application and presently pending claims 1-18 and 20-24 is respectfully requested.

I. Response to Claim Rejections based on Anticipation

In the Office Action, claims 1-20 are preliminarily rejected under 35 USC 102(b) as being anticipated by US 5,627,520 to Grubbs. For a proper rejection of a claim under 35 USC§102(b), the cited reference must disclose all elements/features/steps of the claim. See, *e.g.*, *E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

A. Claim 1

Claim 1 is presently written as:

A tag secured to an object for monitoring the object, comprising:
a strap with a first end, a second end, an electrical path coupled to the strap running from the first end to the second end, and *one or more raised portions* wherein a proximal end and a distal end of the electrical path are on the one or more raised portions;

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a cradle that detachably couples the first end of the strap to the cradle and detachably couples the second end of the strap to the cradle; and
an integrated circuit with a first contact and a second contact wherein the first contact electrically couples to the proximal end of the electrical path and the second contact electrically couples to the distal end of the electrical path.
(Emphasis added).

In the Office Action, claim 1 is preliminarily rejected under 35 USC 102(b) as being anticipated by Grubbs. Grubbs teaches a tag for monitoring the presence of individuals, and, more specifically, for monitoring patients in a hospital.

Grubbs fails to teach or disclose every element of claim 1. Specifically, Grubbs fails to teach or disclose one or more raised portions on the strap. The Office Action, on page 2, states that the raised portions are shown on FIG. 2A of Grubbs, but fails to identify one or more elements of Grubbs that could be a raised portion. The raised portion claimed by the Applicants is shown, for instance, as reference number 802 in FIG. 8 of the Applicants' application. Grubbs fails to teach or disclose anything resembling a raised portion.

As Grubbs fails to teach or disclose anything resembling a raised portion, the Applicants respectfully request the preliminary rejection of claim 1 be withdrawn.

B. Claims 2-15

The Applicants respectfully submit that since claims 2-15 depend on independent claim 1, claims 2-15 contain all limitations of independent claim 1. Since independent claim 1 should be allowed, as argued above, pending dependent claims 2-15 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

1. Claim 3

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The Office Action, on page 2, states "Grubbs discloses the path being thicker along portions of the strap that make contact with the cradle (fig. 1-5B)." FIG. 5A and FIG. 5B are the only two figures that illustrate any portion of the electrical path. Neither figure suggests the electrical path is thicker along portions of the strap that make contact with the cradle.

As Grubbs fails to teach or disclose anything resembling path being thicker along portions of the strap that make contact with the cradle, the Applicants respectfully request the preliminary rejection of claim 3 be withdrawn.

2. Claim 4

The Office Action, on page 2, states "Grubbs discloses the path being thicker along high stress portions of the strap (fig. 1-5B)." FIG. 5A and FIG. 5B are the only two figures that illustrate any portion of the electrical path. Neither figure suggests the electrical path is thicker along high stress portions of the strap.

As Grubbs fails to teach or disclose anything resembling path being thicker along high stress portions of the strap, the Applicants respectfully request the preliminary rejection of claim 4 be withdrawn.

3. Claim 9

The Office Action, on page 3, states "Grubbs discloses the strap having a proximal portion and a distal portion and the proximal portion being narrower than the distal portion (fig. 5A, 5B)." Claim 9 has been amended to more clearly indicate which end is narrower. Grubbs fails to teach or disclose the first end of the strap is narrower than the second end of the strap.

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As Grubbs fails to teach or disclose the first end of the strap is narrower than the second end of the strap, the Applicants respectfully request the preliminary rejection of claim 9 be withdrawn.

4. Claim 10

The Office Action, on page 3, states "Grubbs discloses adhesive coupling the first end of the strap to a surface of the cradle (fig. 2A)." The word "adhesive" does not appear in Grubbs. It is unclear what element of FIG. 2A showed an adhesive.

As Grubbs fails to teach or disclose the adhesive coupling the first end of the strap to a surface of the cradle, the Applicants respectfully request the preliminary rejection of claim 10 be withdrawn.

4. Claim 15

The Office Action, on page 3, states "Grubbs discloses a housing slidably coupling to one or more rails on the cradle (fig. 2A)." It is unclear from the Office Action which element of FIG. 2A showed a rail. The Applicants cannot identify the rail in question.

Further the claim is limited to "causing the first and second contacts to compress the one or more raised portions." Grubbs does not disclose causing the first and second contacts to compress the one or more raised portions and the Office Action does not suggest that Grubbs discloses causing the first and second contacts to compress the one or more raised portions.

As Grubbs fails to teach or disclose either a housing slidably coupling to one or more rails on the cradle or causing the first and second contacts to compress the one or more raised portions, the Applicants respectfully request the preliminary rejection of claim 15 be withdrawn.

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C. Claim 16

Claim 16 is presently written as:

A tag secured to an object for monitoring the object, comprising:
a strap with a first end, a second end, and an electrical path coupled to the strap running from the first end of the strap to the second end of the strap;
a cradle that detachably couples the first end of the strap to the cradle and detachably couples the second end to the cradle;
an integrated circuit electrically coupled to a first end of the electrical path and a second end of the electrical path wherein the integrated circuit monitors one or more electrical properties of the electrical path; and
a transmitter electrically coupled to the integrated circuit and the electrical path wherein the transmitter radiates a radio wave through the electrical path when the one or more electrical properties change, *wherein the strap and electrical path have a break point at a location in which the length of the electrical path equals a multiple of the wavelength of a frequency of transmission.*
(Emphasis added).

In the Office Action, claim 16 is preliminarily rejected under 35 USC 102(b) as being anticipated by Grubbs. Grubbs teaches a tag for monitoring the presence of individuals, and, more specifically, for monitoring patients in a hospital.

Grubbs fails to teach or disclose every element of claim 16. Specifically, Grubbs fails to teach or disclose the strap and electrical path have a break point at a location in which the length of the electrical path equals a multiple of the wavelength of a frequency of transmission. As discussed on page 16 of the application, for instance, coordinating a break point with a multiple of the wavelength of a frequency of transmission can improve signal transmission if the strap is broken. The office action, on page 4, states (in regards to claim 19) that this limitation is taught between line 55 of column 4 and line 67 of column 5 in Grubbs. The Applicants can find no such teaching in this passage.

As Grubbs fails to teach or disclose anything resembling the strap and electrical path have a break point at a location in which the length of the electrical path equals a multiple of the wavelength of a frequency of transmission, the Applicants respectfully request the preliminary rejection of claim 16 be withdrawn.

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D. Claims 17, 18, and 20

The Applicants respectfully submit that since claims 17, 18, and 20 depend on independent claim 16, claims 17, 18, and 20 contain all limitations of independent claim 16. Since independent claim 16 should be allowed, as argued above, pending dependent claims 17, 18, and 20 should be allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

II. Response To Claim Rejections Based On Obviousness

In the Office Action, claims 21-24 are preliminarily rejected under 35 USC 103(a) as being unpatentable over US 6,853,304 to Reisman, *et al.* (hereinafter referred as "Reisman") in view of US 5,737,325 to Fukuda. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., In re Dow Chemical, 5 U.S.P.Q. 2d 1529, 1531 (Fed. Cir. 1988), and In re Keller, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981).

A. Claims 21

Claim 21 is presently written as:

A tag secured to an object for monitoring the object comprising:
 an object proximity detector;
 a motion sensor for at least detecting motion and motionless states;
 a transmitter in at least periodic communication with a monitoring system;
 and
 an integrated circuit in communication with the object proximity detector,
 the transmitter, and the motion sensor wherein the integrated circuit signals the
 monitoring system via the transmitter when the object proximity detector is
 separated from the object and *wherein the integrated circuit substantially reduces*

*communications from the transmitter when the motion sensor detects a motionless state for a period of time.
(Emphasis added).*

In the Office Action, claim 21 is preliminarily rejected under 35 USC 103(a) as being unpatentable over Reisman in view of Fukuda. Reisman teaches a tag for monitoring the presence of individuals. Fakuda teaches a communication system between units in a portable telephone system.

Reisman in view of Fukuda fails to teach or disclose every element of claim. Specifically, Reisman in view of Fukuda fails to teach or disclose the integrated circuit substantially reduces communications from the transmitter when the motion sensor detects a motionless state for a period of time. As disclosed in the application, battery maintenance and changing batteries is difficult for many monitoring devices. The claimed invention conserves battery power by reducing transmissions when the motion sensor indicates the tag is stationary (motionless). Reisman and Fakuda both teach regular, periodic communications. Neither Reisman, nor Fakuda, teach or disclose reducing periodic communications when a device is motionless.

As Reisman in view of Fukuda fails to teach or disclose anything resembling the integrated circuit substantially reduces communications from the transmitter when the motion sensor detects a motionless state for a period of time, the Applicants respectfully request the preliminary rejection of claim 21 be withdrawn.

B. Claims 22-24

The Applicants respectfully submit that since claims 22-24 depend on independent claim 21, claims 22-24 contain all limitations of independent claim 21. Since independent claim 21 should be allowed, as argued above, pending dependent claims 22-24 should be

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allowed as a matter of law for at least this reason. In re Fine, 5 U.S.P.Q. 2d 1596, 1608 (Fed. Cir. 1988).

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Conclusion

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and rejections have been traversed, rendered moot and/or accommodated, and that presently pending claims 1-18 and 20-24 are in condition for allowance. Favorable reconsideration and allowance of the present application and the presently pending claims are hereby courteously requested. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 668-1400.

Respectfully submitted,



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